IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 3956 of 2004

RAM CHANDRA
V/S
UNION OF INDIA & ORS

Mr. RAJESH JOSHI, for the appellant / petitioner

Date of Order : 20.9.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

It is not in dispute that petitioner was terminated on 5.9.83, and also it is not in dispute that he was ordered to be reinstated only by order dated 6.2.2003.

Learned counsel for the petitioner contends that before passing the order of recovery, no opportunity of hearing was given to the petitioner, and no inquiry was conducted. Suffice it to say, firstly that this recovery is natural consequence, and no opportunity was required to be given. That apart, the petitioner was specifically called to prima facie show any justification for occupying the Government accommodation for the period in question and for not paying the charges of electricity consumed by him. Learned counsel for the petitioner was not able to answer the above.

In that view of the matter, I do not find any error in the impugned orders, inasmuch as, after termination, if petitioner continued to occupy the Government accommodation and continued to consume the electricity, he is liable to pay the prescribed charges for occupation, so also for the electricity consumed by him. The writ petition, having no force, is hereby dismissed summarily.

However, in case the petitioner feels that there is any arithmetical or calculational mistake in the amount being claimed by respondents, it will be open to the petitioner to make a representation in detail in this regard, and in the event of such representation, being filed, respondents shall decide the same in accordance with law.

(N P GUPTA),J.

/Srawat/